IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11875 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SAJJANKHAN NAVABKHAN PATHAN

Versus

COMMISSIONER OF POLICE

Appearance:

MS KRISHNA U MISHRA for Petitioner

GOVERNMENT PLEADER for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/02/2001

ORAL JUDGEMENT

#. Challenge is made by the petitioner to the order dated 13-9-2000 under which the petitioner was detained as a dangerous person.

#. One of the contentions raised is that the statements

of the privileged witnesses were verified on 12-9-2000 and the order has been passed on 13-9-2000 and as such this matter is squarely covered by the decision of this Court in the case case of Kalidas C. Kahar vs. State of Gujarat & Ors. reported in 1993 (2) GLR 1659.

#. This position is not controverted by the learned counsel for the respondents and as a result of which this petition deserves acceptance.

#. In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 13-9-2000 is quashed and set aside. The petitioner Sajjankhan Navabkhan Pathan, the detenu, at present in Porbandar Jail be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

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zgs/-